

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

APRIL 6, 2009

KENDALL-DEAN SCHOOL

7:00 P.M.

Mr. Lovett read the following disclaimer: “It is the Board’s understanding that this meeting is being videotaped for future broadcast on cable television. Please be advised that this videotaping is being done by private citizens. It is not being done on behalf of the Town of North Smithfield, nor is the Town of North Smithfield in any way sponsoring or affiliated with it. It is not a public record. The Town of North Smithfield especially disclaims any liability for the contents or the accuracy thereof. Any video tape of this meeting or any other use of said video tape or other recording and the contents thereof are solely the responsibility of the parties doing this videotaping.”

The meeting began with the prayer and the pledge to the flag. Council members present were Dr. Benoit, Mr. Biron, Mr. Leclerc, Mr. Zwolenski and Mr. Lovett. Town Administrator Hamilton and Town Solicitor Nadeau were also in attendance.

PAYMENT OF BILLS

Sewer Project

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to approve payment to James J. Geremia & Associates, Inc. for Invoice #7 dated February 28, 2009 in

the amount of \$31,946.96 for design services for Areas 1, 2 and 3 based upon the recommendation of the Sewer Commission.

MOTION by Mr. Leclerc and seconded by Mr. Zwolenski to approve payment to James J. Geremia & Associates, Inc. for Phase 1A Invoice #6 dated February 28, 2009 in the amount of \$1,981.30.

Mr. Zwolenski noted there was a penny discrepancy in the documentation.

MOTION was amended by Mr. Leclerc, the second was amended by Mr. Zwolenski, and it was voted unanimously on a roll call vote to approve payment to James J. Geremia & Associates, Inc. for Phase 1A Invoice #6

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dated February 28, 2009 in the amount of \$1,981.29 based upon the recommendation of the Sewer Commission.

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on a roll call vote to approve payment to James J. Geremia & Associates, Inc. for Phase 1B Invoice #6 dated February 28, 2009 in the amount of \$3,997.67 based upon the recommendation of the Sewer Commission.

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on a roll call vote to approve payment to James J. Geremia & Associates, Inc. for Design Services Invoice No. 6 in the amount of \$45,904.25 that relates to Areas 2 and 3 and Easements based upon the recommendation of the Sewer Commission.

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on a roll call vote to approve payment to James J. Geremia & Associates, Inc. for Phase 1A Invoice No. 5 in the amount of \$19,047.06 for Construction Administration based upon the recommendation of the Sewer Commission.

MOTION by Mr. Leclerc, seconded by Mr. Biron and Mr. Zwolenski, and voted unanimously on a roll call vote to approve payment to James J. Geremia & Associates, Inc. for Phase 1B Invoice No. 5 in the amount of \$4,546.92 for Construction Administration based upon the recommendation of the Sewer Commission.

AMENDED POLICE CONTRACT

MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to move this discussion to executive session at the end of the agenda.

AWARD OF BID – STATISTICAL REVALUATION UPDATE

Tax Assessor Chris Belair explained she had received three bids and is recommending Appraisal Resource. She is requesting \$120,000 for

the statistical revaluation update. The bid from the company totals almost \$100,000 but Mrs. Belair is asking for more because there will be associated costs for copying, maps, computers, etc.

Mr. Lovett asked how much has been budgeted.

Mrs. Belair responded there is \$30,000 for the update and there is \$150,000 for the full revaluation that will occur in 2012. She asked that \$90,000 be taken from the full revaluation.

MOTION by Mr. Biron and seconded by Mr. Leclerc to accept the bid of Appraisal Resource as per the recommendation of Tax Assessor Chris Belair in an amount not to exceed \$120,000.00.

Mr. Zwolenski questioned if there would be enough funds available to cover the cost of the full revaluation if \$90,000 was taken out for the statistical upgrade and was told that in addition to the \$60,000 that is already being put aside yearly, there would have to be an additional \$50,000 added to the total.

Dr. Benoit felt the contract should be reviewed by Mr. Nadeau prior to being issued.

Mr. Biron withdrew his motion and Mr. Leclerc withdrew his second.

MOTION by Mr. Biron, seconded by Dr. Benoit, and voted

unanimously on a roll call vote to award the bid to Appraisal Resource per the recommendation of Tax Assessor Chris Belair for the amount of \$98,350.00 and subject to the Town Solicitor reviewing the contract that will be drawn up between Appraisal Resource and the Town of North Smithfield.

MOTION by Mr. Biron, seconded by Dr. Benoit, and voted unanimously on a roll call vote to allow the Tax Assessor to utilize up to \$21,650.00 for computer and other expenses associated with the statistical revaluation.

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BV LIQUOR LICENSE – CHEF MAMA’S PIZZA & GRILLE; M. MARSELLA

Mrs. Megan Marsella noted the landlord has been having discussions with the Tax Collector, the Town Administrator and the Building Inspector about a promise made by a former administrator regarding a tax credit on the property. She stated that when the landlord purchased the property there was an ordinance about renovating older existing buildings for tax credits.

Mr. Nadeau did research this and found there was no agreement confirmed by the Town Council with regard to a tax freeze on this

property. Absent some proof that this tax treaty is in effect, Mr. Nadeau believes the full amount of the taxes are owed. The applicant should not be allowed to proceed until taxes are brought current.

2ND READING ORDINANCE AMENDMENT RE: ANIMALS AND FOWL MOTION by Mr. Leclerc and seconded by Mr. Zwolenski with discussion to approve the following ordinance as a second reading: “IT IS ORDAINED by the Town Council of the Town of North Smithfield as follows: Section 3-7. Miscellaneous provisions. (a) Same. (b) No animals are allowed on school property, whether or not restrained, except for seeing eye service dogs (so called), and except when authority in writing has been granted by school officials for educational purposes, or by the animal control officer for good cause. (c) It is unlawful for the owner or custodian to allow or permit any animal on public parks or sports playing fields, whether or not restrained, except under restraint with authority in writing by the animal control officer for service dogs (so called). (d) It is unlawful for the owner or custodian to allow or permit any animal to enter stores, eating places or public facilities within the town, whether or not the animal is restrained, except for seeing eye service dogs (so called). (e) Same. (f) Same. The remainder of the ordinance shall remain in full force and effect. This ordinance shall take effect upon passage.”

Mr. Zwolenski recalled that some changes had been made to paragraph (d) that had not been included.

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on a roll call vote to approve the ordinance as a second reading with the following amendment: “(d) It is unlawful for the owner or custodian to allow or permit any animal to enter any store, except when authority has been granted by the owner or duly authorized manager of such store, or any eating place or public facility within the town, whether or not the animal is restrained, except for seeing eye service dogs (so called).”

2ND READING ORDINANCE AMENDMENT RE: PARKS AND RECREATION

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on a roll call vote to approve the following ordinance as a second reading: “IT IS ORDAINED by the Town Council of the Town of North Smithfield as follows: Section 12 1/2-4 Animal control in town parks (a) No person shall bring into a public park any animal unless it be under control at all times on a leash of not more than six feet in length, nor shall any person leave an animal unattended in an automobile. (b) Horseback riding is prohibited in all North Smithfield parks. Horses are not allowed in any park facility at any time or for any reason. The remainder of the ordinance shall remain in full force and effect. This ordinance shall take effect upon passage.”

FIRE DEPARTMENT WATER TANKER

Chief Jillson explained their present water tanker actually functions

as a water carrier but has no pump capability. It is well past its shelf life. The backup tanker has a broken drive shaft and is essentially off road. These are town-owned vehicles that, sooner or later, will need to be replaced. Repairs are so expensive that it hardly seems worth it to spend the money for vehicles that are obsolete and for which it is impossible to get parts.

Mr. Biron checked out the tanker and found extensive rot. The steering mechanism has five inches of free play where it should have one inch. The pump system is no good and the transmission is sluggish. He is concerned with the safety of the operator as well as

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with other drivers on the road. Mr. Biron recommended finding a source to fund a new vehicle.

When Mr. Leclerc asked about a source of funding, Chief Jillson spoke about the third party billing account. He said the department uses it to replace EMS vehicles and for training of EMTs and firefighters. When first established, it was stipulated that use of those monies had to be EMS related. Chief Jillson stated the department has no other acute need for apparatus in the near future. In prior years a precedent had been set by using the funds to offset the cost of a pumper.

Dr. Benoit asked what amount was in the third party billing account.

Chief Jillson provided a document that showed there is \$491,328.60 on the books but a certain amount is earmarked to defray the current deficit.

Mrs. Hamilton added the town is planning to use as much as \$200,000 to \$230,000 to close the town's deficit.

MOTION by Dr. Benoit, seconded by Mr. Leclerc, and voted unanimously on an aye vote to grant Chief Jillson permission to secure prices for a water tanker to enable the Council to award a bid in the near future and to have Mr. Biron assist him in this effort.

EXECUTIVE SESSION

MOTION by Mr. Leclerc, seconded by Dr. Benoit, and voted unanimously on an aye vote to enter into executive session at 8:25 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss the Desper property on Quaker Highway, Donado Inc. vs. the Town of North Smithfield and the police department contract.

MOTION by Mr. Biron, seconded by Mr. Leclerc, and voted unanimously on an aye vote to come out of executive session at 10:25 P.M. and to seal the minutes. No motions were made and no votes were taken.

Police Department Contract

MOTION by Mr. Leclerc, seconded by Mr. Biron, and voted unanimously on a roll call vote to move forward with a tentative agreement that reads as follows: “This Tentative Agreement is made and entered into by and between the International Brotherhood of Police Officers Local 410 (hereinafter the Union) and the Town of North Smithfield (hereinafter the Town), and WHEREAS the Union and the Town are parties to a collective bargaining agreement dated August 30, 2006 for the period July 1, 2006 through June 30, 2009, and WHEREAS the Union and the Town have conducted good faith negotiations, pursuant to RIGL 28-7 et seq. and 28-9.2 et seq. for the purpose of reaching an agreement for the period July 1, 2008 through June 30, 2009, and WHEREAS the negotiations between the Union and the Town have resulted in this tentative agreement, and WHEREAS the Union and the Town hereby desire to memorialize their tentative agreement and be bound by same, THEREFORE, the Union and the Town agree as follows: A. For the period July 1, 2008 through June 30, 2009: 1. The Union shall waive the provision that each bargaining unit member shall receive Five Hundred (500) practice rounds as provided in Article VII Section 4, for the duration of this agreement. 2. The Union shall waive the payment of holiday pay for Memorial Day and Easter as provided in Article VI Section 2(a) of the collective bargaining agreement. 3. The Union shall agree that the wage scale as provided in Article X Section 1 shall be reduced by two and one-half percent (2½%) across the board upon the date of

ratification of this agreement by the Town. 4. That the Union shall waive payment of any unpaid amounts due for clothing maintenance allowance as provided in Article VII Section 3 upon the date of ratification of this agreement by the Town.”

(Section B removed)

“That in consideration therefor, the Town agrees that any member of the bargaining unit who has been laid off shall be reinstated forthwith, and further, that no member of the bargaining unit shall be laid off during the term of the 2008-2009 agreement. Both the Union

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and the Town agree that the terms of this agreement are conditional upon ratification by the members of Local 410 and the authorized ratifying body of the Town.”

MOTION by Dr. Benoit, seconded by Mr. Biron, and voted unanimously on an aye vote to adjourn at 10:35 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk